

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

ROY LEE RUCKER,

Plaintiff,

V.

Case No. 2:22-cv-02142-JTF-tmp

**BRISTOL WEST INS.,
TIA MCLANN**

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION
TO DISMISS COMPLAINT WITHOUT PREJUDICE**

On March 4, 2022, Plaintiff filed a *pro se* Complaint against Defendants Bristol West Ins. and Tia McLann. (ECF No. 1.) On the same day, Plaintiff filed a *pro se* Motion for Leave to Proceed *in forma pauperis*. (ECF No. 2.) On March 9, 2022, the Court entered an Order Directing Plaintiff to File a Properly Completed *in forma pauperis* Affidavit or Pay the Civil Filing Fee. (ECF No. 6.) However, pursuant to the Report and Recommendation the Magistrate Judge issued on May 5, 2022, Plaintiff failed to comply with the Court Order. (ECF No. 7.) Therefore, the Magistrate Judge recommended that the Complaint be dismissed without prejudice. (*Id.*) Plaintiff did not file any objections to the Report and the time to file such objections has passed. For the following reasons, the Court finds that the Magistrate Judge's Report and Recommendation should be **ADOPTED**, and Plaintiff's Complaint **DISMISSED without prejudice**.

I. LEGAL STANDARD

Congress passed 28 U.S.C. § 636(b) “to relieve some of the burden on the federal courts by permitting the assignment of certain district court duties to magistrates.” *United States v. Curtis*, 237 F.3d 598, 602 (6th Cir. 2001). Pursuant to the provision, magistrate judges may hear and determine any pretrial matter pending before the Court, except various dispositive motions. 28 U.S.C. § 636(b)(1)(A). Regarding those excepted dispositive motions, magistrate judges may still hear and submit to the district court proposed findings of fact and recommendations for disposition. 28 U.S.C. § 636(b)(1)(B). Upon hearing a pending matter, “the magistrate judge must enter a recommended disposition, including, if appropriate, proposed findings of fact.” Fed. R. Civ. P. 72(b)(1); *see also Baker v. Peterson*, 67 F. App’x 308, 310 (6th Cir. 2003). Any party who disagrees with a magistrate’s proposed findings and recommendation may file written objections to the report and recommendation. Fed. R. Civ. P. 72(b)(2).

The standard of review that is applied by the district court depends on the nature of the matter considered by the magistrate judge. *See Baker*, 67 F. App’x at 310 (citations omitted.) Upon review, the district court may accept, reject, or modify the proposed findings or recommendations of the magistrate judge. *Brown v. Bd. of Educ.*, 47 F. Supp. 3d 665, 674 (W.D. Tenn. 2014); *see also* 28 U.S.C. § 636(b)(1). The court “may also receive evidence or recommit the matter to the [m]agistrate [j]udge with instructions.” *Moses v. Gardner*, No. 2:14-cv-2706-SHL-dkv, 2015 U.S. Dist. LEXIS 29701, at *3 (W.D. Tenn. Mar. 11, 2015).

Usually, district court must review dispositive motions under the *de novo* standard. However, a district court is not required to review “a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.” *Thomas v.*

Arn, 474 U.S. 140, 150 (1985). A district judge should adopt the findings and rulings of the magistrate judge to which no specific objection is filed. *Brown*, 47 F. Supp. 3d at 674.

The Court has reviewed the record in this case, including the Complaint, the Order Directing Plaintiff to File a Properly Completed *in forma pauperis* Affidavit, and the Report and Recommendation. (ECF Nos. 1, 6 & 7.) As noted above, Plaintiff has failed to file a properly completed *in forma pauperis* Affidavit or pay the civil filing fee. Plaintiff has also failed to file any objections to the Report, and the time to do so has expired. Therefore, after a full *de novo* review of the Magistrate Judge's Report and Recommendation, the Court **ADOPTS** the Magistrate Judge's Recommendation that Plaintiff's Complaint be **DISMISSED** without prejudice.

IT IS SO ORDERED, this 21st day of June 2022.

s/John T. Fowlkes, Jr.
John T. Fowlkes, Jr.
United States District Judge